

FORM PTO-1390  
(REV. 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

A. EXAMINER'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

00438-02

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/069674

INTERNATIONAL APPLICATION NO.  
PCT/US00/22886INTERNATIONAL FILING DATE  
21 August 2000 (21.08.00)PRIORITY DATE CLAIMED  
23 August 1999 (23.08.99)

TITLE OF INVENTION

METHOD AND APPARATUS FOR PREDICTING THE RISK OF HYPOGLYCEMIA

APPLICANT(S) FOR DO/EO/US UNIVERSITY OF VIRGINIA PATENT FOUNDATION; KOVATCHEV, Boris P.; MOORMAN, J. Randall; CLARKE, William L. and STRAUME, Martin

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Post Card Receipt, Small Entity Statement

U.S. APPLICATION NO. (if known) see 37 CFR 1.52

10/069674

INTERNATIONAL APPLICATION NO.

P US00/22886

ATTORNEY'S DOCKET NUMBER

00438-02

21. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1)-(5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$1040.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

\$ 710.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 0.00

| CLAIMS                                      | NUMBER FILED | NUMBER EXTRA | RATE       |
|---|--------------|--------------|------------|
| Total claims                                | 20 - 20 =    | 0            | x \$18.00  |
| Independent claims                          | 6 - 3 =      | 3            | x \$84.00  |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) |              |              | + \$280.00 |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>        |              |              | \$         |

\$

\$

\$

\$

\$

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2. +

\$

**SUBTOTAL =**

\$

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

0.00

**TOTAL NATIONAL FEE =**

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

80.00

**TOTAL FEES ENCLOSED =**

\$

Amount to be  
refunded:

\$

charged:

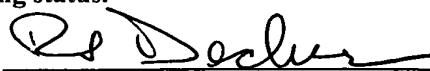
\$

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-0423 in the amount of \$ 561.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 50-0423 A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Robert J. DECKER  
University of Virginia Patent Foundation  
1224 West Main Street, Suite 1-110  
Charlottesville, VA 22903  
US



SIGNATURE

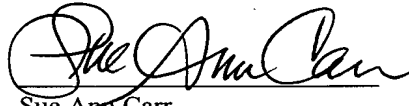
Robert J. DECKER

NAME

44,056

REGISTRATION NUMBER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                   |                            |   |   |
|-------------------|----------------------------|---|---|
| <i>Attorney</i>   |                            | } | <u>Certificate Under 37 CFR 1.10</u>  |
| <i>Docket:</i>    | 00438-03                   | } | Date of Deposit: February 22, 2002  |
|                   |                            | } | I hereby certify that this correspondence is  |
| <i>Applicant:</i> | Boris P. Kovatchev, et al. | } | being deposited with the United States  |
|                   |                            | } | Postal Service as "Express Mail" service  |
| <i>Invention:</i> | METHOD AND APPARATUS FOR   | } | under 37 CFR 1.10 on the date indicated   |
|                   | PREDICTING THE RISK OF     | } | above addressed to Assistant Commissioner   |
|                   | HYPOGLYCEMIA               | } | for Patents, Washington, DC 20231.  |
|                   |                            | } |  |
| <i>Serial No:</i> | Not Yet Assigned           | } | Sue Ann Carr  |
|                   |                            | } | Express Mail No. EE603250128US  |
| <i>Filed:</i>     | February 22, 2002          | } |   |

## STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.27 (a)(3))

Assistant Commissioner for Patents  
Washington, D.C. 20231

With respect to the captioned invention, I hereby state that I am an official empowered to act on behalf of the University of Virginia Patent Foundation, a nonprofit organization, and that the University of Virginia Patent Foundation is Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)) and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

I hereby state that rights under contract or law remain with and/or have been conveyed to the University of Virginia Patent Foundation.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2)).

Respectfully submitted,



February 22, 2002

Robert J. Decker, In-House Counsel  
In-House Patent Counsel  
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